

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JERRY BLASINGAME,

Plaintiff,

v.

**OFFICER J. GRUBBS, #6416, and CITY
OF ATLANTA/ATLANTA POLICE
DEPT.,**

Defendants.

CIVIL ACTION FILE

No. 1:19-CV-02047-SCJ

ORDER

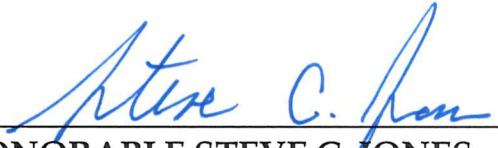
This matter appears before the Court on Defendants' Motion for Partial Summary Judgment (Doc. No. [73]),¹ which Plaintiff does not oppose (Doc. No. [76]). Plaintiff's Amended Complaint brings several claims against Defendants stemming from Defendant Grubbs' alleged tasing of Plaintiff. See Doc. No. [52]. Count III of the Amended Complaint is a respondeat superior claim. Id. ¶¶ 46–

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

47. In their Motion, Defendants argue that they are entitled to dismissal of Count III as a matter of law because Defendant Grubbs was engaged in the discharge of his duties when the underlying incident occurred, and under Georgia law, a municipality is not liable for the torts of policemen or other officers engaged in the discharge of their duties. Doc. No. [73] (citing O.C.G.A. § 36-33-3). Plaintiff does not oppose Defendants' Motion. Doc. No. [76].²

After due review and consideration, the Court finds that Defendants' Motion is due to be granted. Accordingly, the Court **GRANTS** Defendants' Motion for Partial Summary Judgment (Doc. No. [73]). The Court **DISMISSES with prejudice** Count III of the Amended Complaint (Doc. No. [52] ¶¶ 46-47).

IT IS SO ORDERED this 1st day of November, 2021.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

² Also pending before the Court is Plaintiff's Motion for Partial Summary Judgment. Doc. No. [75]. The Court will address that motion separately.